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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,721	07/21/2005	Emilian Ertel	P16578US1	6063

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ERICSSON INC.
6300 LEGACY DRIVE
M/S EVR 1-C-11
PLANO, TX 75024

EXAMINER	
CHAN, SAI MING	
ART UNIT	PAPER NUMBER
2616	

MAIL DATE	DELIVERY MODE
09/18/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/517,721	ERTEL ET AL.	
	Examiner	Art Unit	
	Sai-Ming Chan	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on *21 July 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *3,5,7,11,13 and 15* is/are allowed.

6)☒ Claim(s) *1-2,4,6,8-10,12 & 14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *10 December 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

The information disclosure statements (IDS) submitted on July 8, 2004 have been considered by the Examiner and made of record in the application file.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1, 2, 6, 8-10 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by **Huart et al. (U.S. Patent #7136398)**.

Consider **claim 1**, Huart et al. clearly disclose and show a method of generating a mixed media stream from input media streams (col. 3, lines 45-52 (ACB constructs output stream from input audio streams)) of a first type (col. 4, lines 59-62 (audio from ACB (audio conference bridge))) having payload data elements (col. 4, lines 59-62 (packets)) and related identifiers (col. 4, lines 59-62 (identifier in header)), respectively, comprising the step:

aligning the input media streams (col. 4, line 59 – col. 5, line 5 (use timing information for synchronization)) of the first type (fig. 1 (300b (audio)), col. 59-62 (ACB)) according to a pre-specified relation between identifiers in the input media streams of the first type (col. 4, lines 59-64 (timing information for synchronization)) before generating the mixed media stream (col. 4, line 59 – col. 5, line 5 (use timing information for synchronization); col.3, lines 45-50 (construct output streams)), wherein

the pre-specified relation between identifiers in the input media streams of the first type (col. 4, lines 59-64 (timing information for synchronization)) is matched to a relation between identifiers in further input media streams of a second type (col. 4, lines 20-31 (video streams and audio streams exchange sync info)) used during generation of a further mixed media stream from the input media streams of the second type (col. 4, lines 20-31 (sync info are exchanged between video streams and audio stream so that

generated outputs will arrive at an endpoint in sync)).

Consider **claim 2**, and **as applied to claim 1 above**, Huart et al. clearly disclose and show a method, wherein the matching of relations between identifiers in the input media streams of the first type and further input media streams of the second type is achieved by:

identifying an intersection (col. 1, lines 36-46 (in synchronization)) between the input media streams of the first type and the further input media streams of the second type (col. 1, lines 36-46 (first output stream arrives in sync with second output stream)),

determining a relation between identifiers in the further input media streams of the second type (col. 1, lines 36-46 (using the synchronization information in the identifiers so that video and audio streams reach the endpoint in sync)) for those further input media streams which are comprised in the intersection (col. 1, lines 36-46 (first output stream arrives in sync with second output stream)), and

aligning the input media streams of the first type (col. 2, lines 1-10 (col. 4, lines 59-62 (use timing information to synchronize))) which are comprised in the intersection (col. 1, lines 36-46 (in synchronization)) according to the relation of identifiers in the further input media streams of the second type (col. 1, lines 36-46 (col. 2, lines 1-10 (use the synchronization information to ensure that video and audio streams arrive in sync))).

Consider **claim 6**, and **as applied to claim 2 above**, Huart et al. clearly disclose and show a method, wherein the alignment of input media streams of the first type in the intersection is achieved by:

determining a relative time delay for each input media stream of the first type (col. 5, lines 41-58 (checks for delay)) such that relations between different identifiers in the input media streams of the first type after time delay (col. 5, lines 41-58 (ACB 300ab is not ready)) correspond to relations between identifiers in the further input media streams of the second type (col. 5, lines 41-58 (if ACB 300ab is not ready, VCB 300a will delay its output appropriately)), and

shifting each input media stream of the first type in time according to the related time delay (col. 5, lines 41-58 (VCB 300a will delay its output appropriately)).

Consider **claim 8**, and **as applied to claim 1 above**, Huart et al. clearly disclose and show a method, wherein an exchange of information regarding the pre-specified relation between identifiers is achieved through a signal transfer or a shared-memory mechanism (col. 4, lines 49-58 (exchange information over tie-trunk)).

Consider **claim 9**, Huart et al. clearly disclose and show an apparatus for generating a mixed media stream from input media streams of a the first type having payload data elements and related identifiers of a second type, comprising:

an identifier interface unit (fig. 5 (510), col. 7, lines 40-48) for exchange of a pre-specified relation between identifiers in different input media streams (col. 4, lines 49-58

(exchange information over tie-trunk)), and

an alignment unit (fig. 5 (514), col. 7, lines 40-48) adapted to align the input media streams (col. 4, line 59 – col. 5, line 5 (use timing information for synchronization)) of the first type (fig. 1 (300b (audio)), col. 59-62 (ACB)) according to the pre-specified relation between identifiers in different input media streams of a second type (col. 4, lines 20-31 (video streams and audio streams exchange sync info)) before generating the mixed media stream (col. 4, line 59 – col. 5, line 5 (use timing information for synchronization); col.3, lines 45-50 (construct output streams)).

Consider **claim 10**, and **as applied to claim 9 above**, Huart et al. clearly disclose and show a apparatus, wherein characterized in that the pre-specified relation is matched to a relation between identifiers in further input media streams of the second type (col. 4, lines 20-31 (video streams and audio streams exchange sync info)) used during generation of a further mixed media stream (col. 4, line 59 – col. 5, line 5 (use timing information for synchronization); col.3, lines 45-50 (construct output streams)) and that the matching of relations between identifiers in the input media streams of the first type and in the further input media streams of the second type (col. 4, lines 20-31 (video streams and audio streams exchange sync info)) is achieved by:

a pre-processing unit (fig. 5 (506 & 508), col. 7, lines 33-48) adapted to identify an intersection between the input media streams of the first type and the further input media streams of the second type (col. 1, lines 36-46 (col. 2, lines 1-10 (use the synchronization information to ensure that video and audio streams arrive in sync))),

a calculation unit (fig. 5 (512), col. 7, lines 40-48) adapted to determine a relation between identifiers in the further input media streams of the second type for those further input media streams of the second type which are comprised in the intersection (col. 1, lines 36-46 (first output stream must arrive in sync with second output stream)), and

an aligning unit (fig. 5 (514), col. 7, lines 40-48) adapted to align the input media streams of the first type which are comprised in the intersection according to the relation of identifiers in the further input media streams of the second type (col. 1, lines 36-46 (first output stream must arrive in sync with second output stream)).

Consider **claim 14**, and **as applied to claim 9 above**, Huart et al. clearly disclose and show an apparatus, wherein the alignment of input media streams of the first type in the intersection is achieved by

the calculation unit (fig. 5 (512), col. 7, lines 40-48) adapted to determine a relative time delay for each input media stream of the first type such that relations between different identifiers in the input media steams of the first type, after time delay, correspond to relations between identifiers in the further input media streams of the second type, and

a shifting unit (fig. 5 (526), col. 7, lines 63-67) adapted to shift each input media stream of the first type in time according to the related time delay (col. 5, lines 41-58 (if ACB 300ab is not ready, VCB 300a will delay its output appropriately)).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in This Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of This title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 4 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Huart et al. (U.S. Patent #5608651),** in view of **Lipp et al. (U.S. Patent # 6751238).**

Consider **claim 4**, and **as applied to claim 3 above**,

claim 12, and **as applied to claim 10 above**,

Huart et al. clearly disclose and show the method further comprising an input media streams (col.3, lines 45-50) of the first type (fig. 1 (300b (audio)), col. 59-62 (ACB)) in the intersection (col. 1, lines 36-46 (in synchronization)) according to the sequence of further input media streams of the second type in the intersection (col. 4, lines 20-31 (sync info are exchanged between video streams and audio stream so that generated outputs will arrive at an endpoint in sync)).

However, Huart et al. do not specifically disclose a step of re-ordering the sequence.

In the same field of endeavor, Lipp et al. clearly show a step of re-ordering the sequence (col. 4, lines 42-53 (sequence number re-order).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention to demonstrate a method of generating a mixed media stream, as taught by Huart, and show a step of re-ordering the sequence, as taught by Lipp, so that mixed media streams can be generated efficiently.

Allowable Subject Matter

Claims 3, 5, 7, 11, 13 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any response to this Office Action should be **faxed to** (571) 273-8300 **or mailed to**:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning This communication or earlier communications from the Examiner should be directed to Sai-Ming Chan whose telephone number is (571) 270-1769. The Examiner can normally be reached on Monday-Thursday from 6:30am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Seema Rao can be reached on (571) 272-3174. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 571-272-4100.

Any inquiry of a general nature or relating to the status of This application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

/Sai-Ming Chan/
Examiner, Art Unit 2616

September 4, 2008

/Ian N. Moore/

Primary Examiner, Art Unit 2616